IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 8212 of 2007(S)

PETITIONERS:
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1. SATHYAN MEMORIAL ARTS & SPORTS CLUB
   REPRESENTED BY ITS PRESIDENT SHARAFUDHIN,
   S/O.ABDUL AZEEZ, KUTTIYIL VEEDU, MAMMOODU,
   CHANDANATHOPPU, KOLLAM.

2. SHAMSUDHEEN, A.S.MANZIL,
   MAMOODU, CHANDANATHOPPU P.O., KOLLAM.

   BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
   SECRETARY TO REGISTRATION, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE REGISTRATION INSPECTOR GENERAL,
   THIRUVANANTHAPURAM.

3. THE DISTRICT REGISTRAR,
   KOLLAM.

4. THE SUB REGISTRAR'S OFFICE,
   KILIKOLLOOR, KOLLAM.

5. KOTTAMKARA GRAMA PANCHAYATH,
   KILIKOLLOOR, KOLLAM REPRESENTED BY ITS
   SECRETARY.

BY SR. GOVERNMENT PLEADER SHRI M.R. SABU.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.P(C)No. 8212 OF 2007

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Dated this the 21st June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

The first petitioner is a cultural organization registered under the provisions of the Travancore Cochin Literary, Scientific and Charitable Societies Registration Act. The second petitioner is an active member of the first petitioner Society and also a public spirited citizen.

2. It is stated in the petition that the second petitioner had surrendered his valuable immovable property to the State Government for the purpose of construction of the Sub Registrar office, Kilikolloor. The State Government has not taken any effective steps for the said construction. Therefore, the petitioners are before us for a direction to the respondents to take immediate steps for the construction of the Sub Registrar Office, Kilikolloor in the property surrendered by the second petitioner.

3. Learned Government Pleader was directed to get instruction

from the respondents. The respondents have filed a detailed statement of objections . In the said statement of objections, they have stated that they are not interested in the property surrendered by the second petitioner. In fact, they want to take the property belongs to the Kollam Corporation, since it is more suitable for the construction of the Sub Registrar office, Kilikolloor.

4. We cannot direct the State Government to accept the land offered by a private citizen for the purpose of construction of the Sub Registrar Office. It is left to the choice of the State Government, either to accept the offer or not to accept the offer. In the matters of this nature, no mandamus can be issued.

5. Therefore, the reliefs sought for in this Writ Petition cannot be granted. Accordingly, the Writ Petition requires to be rejected and it is rejected.

6. The petitioners may make appropriate application before the State Government to reconvey the property to the second petitioner. If and when such an application is made, the State Government will take effective steps to reconvey the property to the second petitioner, as early

as possible.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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